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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Case No. 4:17-cv-03022-JST

Related to Case Nos. 4:17-cv-01138-JST, 4:17-cv-03023-JST, and 4:15-cv-05446-JST

[PROPOSED] ORDER REGARDING SUBSTITUTE EXPERT AND REPLACEMENT EXPERT REPORT

1 **[PROPOSED] ORDER**

2 Before the Court is the parties' joint stipulation regarding the replacement of Walmart's
3 non-infringement expert due to health issues. Having considered the stipulation and all related
4 matters, the Court hereby GRANTS the stipulation. Walmart shall be allowed to replace its prior
5 non-infringement expert with Dr. Cromarty, and Dr. Cromarty shall be allowed to provide a re-
6 placement non-infringement expert report to replace the March 31, 2017 Rebuttal Expert Report
7 of David McGoveran Regarding U.S. Patent No. 9,195,507 (the "McGoveran Report"). However,
8 Dr. Cromarty's replacement non-infringement report shall not espouse any opinions or theories
9 not found in the McGoveran Report and may not address claim limitations not addressed by the
10 McGoveran Report. Dr. Cromarty's report must otherwise be substantially similar to the
11 McGoveran Report and must not be contrary to or inconsistent with the findings, opinions, and
12 theories presented in the McGoveran Report. Dr. Cromarty may not testify in any manner that is
13 contrary to or inconsistent with the McGoveran Report.

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15 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

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DATED: _____

Honorable Jon S. Tigar
United States District Judge

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